

The motion of Senator Motley to adjourn till 4 o'clock this evening was then lost, by the following vote:

YEAS—Senators Ball, Brown, Douglass, Francis, Ford, Guy, Hobby, McLeary, Moore, Motley, Storey, Thompson—12.

NAYS—Senators Blassingame, Burton, Carroll, Crain, Edwards, Henry J. R., Henry F. M., Martin, McCulloch, Piner, Ripetoe, Stephens, Wortham—13.

NOT VOTING—Senators Grace, Terrell—2.

On motion of Senator Piner, the Senate adjourned until to-morrow at 8:58 A. M.

SIXTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 6, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

President in the chair.

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senate Bill No. 248, "An Act to authorize and make provisions for the exchange and substitution of engraved bonds for the pension bonds issued under the authority of the seventh section of an act entitled, 'An Act granting pensions to the surviving veterans of the Revolution which separated Texas from Mexico,'" approved April 21, 1874, have had the same under consideration, and recommend that it do not pass.

STOREY, *Chairman.*

Senator Piner introduced a bill to be entitled: "An Act authorizing the Court of Appeals to appoint a bailiff."

Read by caption and referred to Judiciary Committee No. 2.

House Bill No. 375, "An Act for the relief of the Tyler Tap Railroad Company," was referred to Committee on Internal Improvements.

Senator Crain, from Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared the following Senate Bills: Senate Bill No. 164: "An Act to amend Article 448, and to repeal Article 440 of an act entitled: 'An Act to adopt and establish a code of criminal procedure,'" approved August 26, 1856; Senate Bill No. 291: "An Act to regulate procedure in relation to common use of certain inclosed lands;" Senate Bill No. 298: "An Act to provide for the change of venue by the State, in criminal cases;" Senate Bill No. 224: "An Act to amend the first section of an act for the protection of the wool growing interest of the State," approved May 1, 1874; Senate Bill No. 184: "An Act to amend Section 2, Chapter 1, of 'An Act regulating the corporations of cities of one thousand inhabitants or over, and to provide for the substitution and repeal of all acts heretofore passed incorporating said cities, which may

be in force by virtue of any existing charter;" approved March 15, 1875; Senate Bill No. 223: "An Act to further regulate stock raising;" and find the same correctly engrossed. *CRAIN, for Committee.*

The President, after reading their captions, signed the following bills:

Senate Bill No. 300—"An Act to fix the times of holding the District Courts of the Eighteenth Judicial District of the State of Texas."

Senate Bill No. 105—"An Act to amend an act entitled, 'An Act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to the first day of July, 1873, and to provide for the payment of the same,'" approved April 27, 1874.

Senate Joint Resolution No. 169—"Instructing our Senators and requesting our Representatives in Congress to ask protection for the frontier, and compensation for past expenditures by the State in that behalf."

A message was received from the Governor.

In the journals of yesterday an error occurred in stating Senator Grace moved to reconsider Senate Bill No. 212. It should have been, Senator Francis moved to reconsider House Bill No. 212: "An Act to facilitate commerce and navigation within the navigable waters of the State of Texas."

On motion of Senator Guy, the rules were suspended, and Senate Bill No. 64, "An Act to validate certificates of acknowledgment of married women to deeds of conveyance, letters of attorney, and other written instruments," was taken up, read third time, and passed by the following vote:

YEAS—Senators Blassingame, Brown, Carroll, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Hobby, Martin, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Terrell, Thompson, Wortham—20.

NAYS—Senators Ford, Henry F. M., McLeary, Storey—4.

NOT VOTING—Senators Ball, Burton, Crain—3.

Senate Bill No. 275, "An Act to encourage the construction of railroads in Texas by donations of lands," being a special order, was taken up.

Senator Douglass offered the following amendment:

Amend Section 2, line 8, by inserting after the word, "road," the following words: "Is substantially built and fully equipped for the transportation of both passengers."

Adopted.

Senator Edwards offered the following amendment:

In Section 4, line 4, insert after, "completed," the words, "and is in actual operation."

Adopted.

Senator McLeary offered the following amendment to the amendment of Senator Edwards:

Strike out after the word, "operation," in line 4, and insert, "provided, that this section shall not interfere in any way with existing charters."

Adopted.

Senator Guy offered the following amendment:

Amend by striking out Section 4.

Senator Hobby in the chair.

A message was received from the House, announcing the passage by that body, of Senate Bill No. 286—"An Act to transfer and re-appropri-

ate the unexpended balance remaining on hand of the appropriation to pay Supreme Court Clerk's fees in felony cases, appropriated under act of March 15, 1875, to pay Clerks of the Appellate Court for fees in felony cases;" and House Bill No. 380—"An Act to amend Section 1, of an act entitled, 'An Act to authorize the United States bonds now in the Treasury to the credit of the permanent school fund, to be disposed of and the proceeds thereof invested in State bonds; likewise, to invest in the same manner, the bonds now in the Treasury to the credit of said fund, or that may hereafter be received from all sources.'"

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled Senate Bill No. 105, entitled, "An Act to amend an act, entitled, 'An Act to ascertain the amount due the teachers of the public free schools of this State, for services rendered as teachers prior to the first day of July, 1873, and to provide for the payment of the same,' approved April 27, 1874;" also Senate Bill No. 300, entitled, "An Act to fix the times of holding the District Courts of the Eighteenth Judicial District of the State of Texas;" also Senate Joint Resolution No. 169, entitled, "Senate Joint Resolution instructing our Senators and requesting our Representatives in Congress, to ask protection for the frontier, and compensation for past expenditures by the State in that behalf." The same have been properly signed and presented to the Governor this day, at 9:50 o'clock A. M., for his approval.

GRACE, *Chairman.*

President in the chair.

Senator Piner moved to postpone the further consideration of the pending bill, Senate Bill No. 275.

Ruled out of order, as amendments were pending and they had the preference under the rules.

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 318, entitled, "An Act to confer civil jurisdiction upon the Mayor, or acting Mayor, of the city of Palestine," have had the same under consideration and instruct me to report the bill back to the Senate, and recommend that it do not pass, as it is inhibited by the Constitution, Article 3, Section 56.

MCLEARY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 87, entitled, "An Act to amend Section 1 of an act entitled, 'An Act to prohibit the sale or giving away of intoxicating liquors within five miles of certain places therein named,' approved February 8th, 1875," have had the same under consideration and instruct me to report the bill back to the Senate with the recommendation that it do not pass, as it is a special law, and notice has not been given.

MCLEARY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

A majority of your Committee on State Affairs, to whom was referred "Concurrent Resolution fixing the time of adjournment of this Legislature," have had the same under consideration, and instruct me to report the resolution back to the Senate, and recommend that it do pass, with the following amendment:

Strike out the words, "Tuesday, the 18th day of July, 1876," and insert, "Monday, the 31st day of July, 1876, at 12 M."

McLEARY, *Chairman,*

Senator McLeary, Chairman of the Special Committee on the part of the Senate on the reception of the portrait of General Tom Green, submitted the following report, and accompanying resolution:

Hon. R. B. Hubbard, President of the Senate:

The Committee appointed by the Senate to act with a like committee on the part of the House of Representatives, for the presentation and acceptation of the portrait of Gen. Tom Green, take pleasure in reporting that the portrait was presented by Mr. Jos. D. Sayers, on behalf of the members of Green's old division, in a very excellent and appropriate address, and received by Hon. R. B. Hubbard in his usual happy style, and that the portrait now adorns the Senate chamber.

Your committee, believing the occasion to be one of great historic interest, would recommend the adoption of the accompanying resolution.

Very respectfully,

J. H. McLEARY,
PEYTON F. EDWARDS, } *Committee.*
W. M. BROWN,

Resolved, That extracts be made from the journals of the Senate and House of Representatives of all proceedings concerning the presentation and acceptation of the portrait of Gen. Tom Green, and that they, together with the addresses made by Hon. Jos. D. Sayers, and Lieut. Gov. Hubbard, on the fourth day of July, 1876, be arranged in proper order, and that one thousand copies of the same be printed in pamphlet form for the use of the State.

On motion of Senator Martin, the resolution was taken up and adopted. Senator McLeary in the chair.

Senator Terrell introduced a bill entitled: "An Act to authorize the trustees of the German Free School Association to erect a school-house on vacant and unimproved lots in the city of Austin."

Read by caption and referred to Committee on Public Lands.

The President in the chair.

Senator Francis, Chairman *pro tem.* of the Committee on Counties and County Boundaries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred House Bill No. 203, "An Act supplemental to 'An Act to create and organize the county of Somerville,' approved March 13, 1875," ask leave to return the same, and recommend that it do pass.

FRANCIS, *Chairman pro tem.*

Senator Storey moved to adjourn until 4 o'clock this evening.

Senator Martin moved to amend by inserting, "8:30 A. M. to-morrow."

Lost, by the following vote:

YEAS—Senators Brown, Douglass, Grace, Guy, Martin—5.

NAYS—Senators Ball, Blassingame, Burton, Carroll, Crain, Edwards, Francis, Ford, Henry J. R., Henry F. M., Hobby, McLeary, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—21.

NOT VOTING—Senator Piner—1.

The motion of Senator Storey to adjourn till 4 o'clock P. M. was put and carried, and the Senate so adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present.

Senate Bill No. 275—"An Act to encourage the construction of railroads in Texas by donation of lands," being the unfinished business, was taken up.

The pending amendment of Senator Guy, "to strike out Section 4," was then considered.

Senator Smith moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Blassingame, Henry J. R., Henry F. M.

Senator Moore moved a suspension of the rules to take up Senate Bill No. 295—"An Act to suppress lawlessness and crime in certain parts of the State."

Carried, and bill taken up.

Senator Edwards offered the following amendment as a substitute for Section 1:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Governor is hereby authorized and required to immediately organize a company of fifty men, rank and file, to-wit: "Forty-two privates, four sergeants and four corporals, and in addition thereto, there shall be one Captain, one First Lieutenant, one Second Lieutenant, and in the aggregate said company shall consist of fifty-three officers, non-commissioned officers and privates."*

The Senate being announced full, the call was suspended, and the consideration of Senate Bill No. 275 was resumed.

The pending amendment of Senator Guy, "to strike out Section 4" of the bill, was lost by the following vote:

YEAS—Senators Blassingame, Grace, Guy, Henry J. R., Martin, McCulloch, Moore, Motley, Piner, Ripetoe, Wortham—11.

NAYS—Senators Ball, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Henry F. M., Hobby, McLeary, Stephens, Storey, Terrell, Thompson—16.

Senator Ball offered the following amendment to Section 4:

Amend the provision of Section 4 by inserting after the word, "with," the words, "rights under."

Adopted.

Senator Carroll offered the following amendment:

Amend Section 1 by inserting after the word, "section," in line 13, the following: "*provided, that companies constructing railroads on the*

prismoidal plan shall be entitled to ten sections of land to the mile, on the same terms as other roads."

Senator McLeary moved to amend Senator Carroll's amendment by striking out, "10," and inserting, "4."

Lost.

Senator Brown moved to strike out, "10 sections," and insert, "8 sections."

Adopted, and the amendment, as amended, adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby, Martin, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey—22.

NAYS—Senators Henry F. M., McLeary, Terrell, Wortham—4.

NOT VOTING—Senator Thompson—1.

President in the chair.

Senator Grace offered the following amendment:

Amend Section 1 by adding the following: "*Provided*, That railroads of three feet gauge shall not receive more than ten sections of land to the mile of road completed and put in running order."

Lost.

Senator Piner offered the following amendment:

Add to Section 1: "*Provided, further*, that the provisions of this act shall not be so construed as to grant the aid herein provided for to any railroad that has already received, or is otherwise entitled to receive, aid from the State to the amount of sixteen sections of land to the mile."

Adopted.

Senator Douglass offered the following amendment to Section 2, line 8:

Add after amendment to line 8, the following: "That the same is operated by steam, and is constructed of iron rails of not less than twenty-eight pounds to the lineal yard."

Senator McLeary moved to amend the amendment by striking out "28," and inserting, "35."

Lost.

Senator Carroll moved to amend by striking out "28," and inserting "22."

Lost.

Senator McLeary moved to strike out "28," and insert, "30."

Adopted.

Senator Edwards offered the following amendment to Senator Douglass' amendment:

Add to amendment of Senator Douglass, "*Provided*, That rails of prismoidal roads shall not weigh less than twenty pounds to the lineal yard."

Adopted.

Senator McLeary moved to strike out "20," and insert "22."

Carried.

Senator Terrell offered the following amendment to Senator Douglass amendment:

"The increased ability of the State to aid railroads is such that not more than half the weight now required per yard for railroad iron, under existing law, shall be required of railroads constructed under general law."

Senator Henry F. M. moved to lay Senator Terrell's amendment on the table.

Carried.

Senator Douglass' amendment, as amended, was adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Hobby, Martin, Moore, Motley, Ripetoe, Stephens, Storey, Wortham—20.

NAYS—Senators Grace, McLeary, McCulloch, Piner, Terrell—5.

NOT VOTING—Senators Crain, Thompson—2.

Senator Grace offered the following amendment:

Amend Section 1, by inserting the following words, "*provided, that no railroad of less gauge than four feet eight and a half inches shall receive more than twelve sections of land to the mile, for each mile of road completed and put in running order.*"

Senator Terrell in the chair.

Senators Francis and Douglass asked to be excused from voting on the amendment, and on motion of Senator Ball, they were both excused by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Crain, Henry J. R., Henry F. M., Hobby, McLeary, McCulloch, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—15.

NAYS—Senators Brown, Crain, Edwards, Ford, Grace, Guy, Martin, Moore—8.

NOT VOTING—Senators Burton, Thompson—2.

Senator Francis' amendment was then put and lost by the following vote:

YEAS—Senators Brown, Grace, Henry J. R., Martin, McLeary, McCulloch, Motley, Piner, Ripetoe, Stephens, Terrell—11.

NAYS—Senators Ball, Blassingame, Burton, Carroll, Crain, Edwards, Ford, Guy, Henry F. M., Hobby, Moore, Storey, Wortham—13.

NOT VOTING—Senator Wortham—1.

The President in the chair.

Senator Stephens offered the following amendment:

"SEC. 5. Nothing in this act shall be construed to confer any right, or recognition of right, upon any railway company which has done any act, or failed to do any act, required by law, which would be a ground of forfeiture of its rights affecting the public domain."

Adopted.

Senator Martin offered the following amendment:

lass, Edwards, Ford, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Stephens, Storey, Thompson, Wortham—21.

NAYS—Senators Ball, Burton, Francis, Henry J. R., McCormick, Motley, Piner, Ripetoe, Terrell—9.

Amend Section 3, line 3, by striking out, "twelve," and inserting, "six."

Lost.

Senator Martin offered the following amendment:

Add to Section 3, "*and provided, further, that all lands that shall hereafter be granted to railroads, shall be sold to actual settlers at a maximum of one dollar per acre.*"

Lost.

Senator Storey offered the following amendment:

Amend Section 3, line 3, by inserting before the word, "twelve," the words, "one-half in., six and one-half in."

Adopted.

Senator Blassingame offered the following amendment, to come in at end of Section 1:

"*Provided, further*, that Section 4 of this act does not apply to the construction of prismoidal railroads, in any county or counties where broad or narrow gauge railroads are now operated."

Lost by the following vote:

YEAS—Senators Blassingame, Carroll, Grace, Guy, Henry J. R., Martin, McCulloch, Piner, Ripetoe, Terrell—10.

NAYS—Senators Ball, Brown, Burton, Crain, Edwards, Ford, Henry F. M., Hobby, McLeary, Moore, Motley, Storey, Wortham—13.

NOT VOTING—Senators Stephens, Thompson—2.

Senator Terrell offered the following amendment:

"SEC. —. No provision of this act shall be construed to permit any railway to receive any benefit under its provisions if the iron rails used by its construction are of less weight than that required by the general law of this State when the present Constitution was adopted."

Lost by the following vote:

YEAS—Senators Blassingame, Burton, Grace, Guy, Henry J. R., Martin, McLeary, McCulloch, Piner, Terrell, Thompson—11.

NAYS—Senators Ball, Brown, Carroll, Crain, Douglass, Edwards, Ford, Henry F. M., Hobby, Moore, Motley, Stephens, Storey, Wortham—14.

NOT VOTING—Senator Ripetoe—1.

Senator Storey offered the following amendment:

"SEC. 6. That nothing in this act shall be construed to alter, change, or in any manner to interfere with the chartered rights of any railway company, as they now exist."

Adopted.

Senator McLeary offered the following as a substitute for Section 1:

Be it enacted by the Legislature of the State of Texas, That there is hereby granted to any railroad company which may be hereafter chartered under the general laws of this State, upon the completion and thorough equipment of a section of ten miles or more of its road, and when the same is in good running order, lands from the public domain, as follows: To roads having a gauge of four feet eight inches and a half, or more, and iron weighing fifty-four pounds to the yard, or over, sixteen sections of land to the mile for every mile of its road completed and put in good running order; to roads having a gauge of less than four feet eight inches and a half, and not less than three feet, and iron weighing less than fifty-four pounds to the yard, and not less than thirty pounds to the yard, twelve sections of land to the mile for every mile of road completed and put in good running order."

Pending which, on motion of Senator Crain, the Senate adjourned until 9 o'clock to-morrow morning.